



Australian Government  
Defence and Veterans' Service Commission



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# **Submission to the Inquiry into the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 by the Senate Foreign Affairs, Defence and Trade Legislation Committee**

Ms Penny McKay  
Acting Commissioner  
Defence and Veterans' Service Commission

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## Introduction

I welcome the opportunity to provide a submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee inquiry into the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 (the Bill).

The Defence and Veterans' Service Commission (the DVSC) commenced on 29 September 2025 and gave effect to recommendation 122 of the Royal Commission into Defence and Veteran Suicide (the Royal Commission). The purpose of the DVSC is to provide independent oversight and evidence-based advice to influence systemic reform to improve suicide prevention and wellbeing outcomes for serving and ex-serving Australian Defence Force (ADF) members.

The view of the Royal Commission was that “[b]y monitoring, reviewing, investigating and reporting on actions taken to prevent suicide and suicidality, [the DVSC] can be a catalyst for change across Australian Government agencies. It can improve transparency, accountability and performance around the policies, programs, systems and practices that impact suicide and suicidality among serving and ex-serving ADF members.”<sup>1</sup>

The functions of the Commissioner of the DVSC are broad and currently contained in section 110ZJB of the *Defence Act 1903* (Defence Act). In addition to the functions of monitoring the implementation of the Royal Commission's recommendations and conducting inquiries into systemic issues, the functions also include:

- to improve supports for serving and ex-serving ADF members, and
- to promote understanding of suicide risks for defence members and veterans and factors that can improve the wellbeing of defence members and veterans.

## Inquiry into Military Sexual Violence

The Royal Commission, in its Final Report, said military sexual violence was of critical importance in the overall context suicide and suicidality. It assessed that “the ADF must make significant improvements before it can confidently say it is doing all it can to protect its members from the risk of sexual misconduct at work, and the associated risks of suicide and suicidality.”<sup>2</sup>

The remit of the DVSC inherently includes consideration of sexual violence in the military and its impacts on suicidality and the welfare of serving members and veterans.

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<sup>1</sup> Royal Commission, Final Report, volume 6, chapter 30, pp 278-9, paras 8-9.

<sup>2</sup> Royal Commission, Final Report, volume 3, chapter 8, p 4.

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In accordance with section 110ZFB of the Defence Act and in response to recommendation 25 of the Royal Commission, the Minister for Veterans' Affairs and Defence Personnel, has requested the DVSC to lead an independent inquiry into military sexual violence within the ADF (the inquiry). The inquiry aligns with the DVSC's remit to inquire into issues relating to systemic reform to improve suicide prevention and wellbeing outcomes for serving and ex-serving ADF members.

The Australian Human Rights Commission has been consulting upon the [draft Terms of Reference](#) for the inquiry which include:

1. Effective prevention and early intervention of sexual violence in the ADF.
7. Recommendations for improvements to the military justice system including the accessibility and range of options for increasing actions taken by victim-survivors of military sexual violence and misconduct within the military justice system, including reporting, support available to victim-survivors, peers and command, and other options as relevant.
8. Improving the ADF's understanding of perpetrators' behaviours, consistent with a victim-survivors-centric approach and including clear consequences for perpetrators when a report is substantiated.
9. Effective victim-survivors support that enables meaningful participation in reporting and justice processes, as well as healing and recovery.

In accordance with the draft Terms of Reference, drawing upon the evidence provided to the Royal Commission, the inquiry will further explore the issues surrounding military sexual violence. It will be future and systemically focussed in exploring the issues the Royal Commission (within their timeframe) could not, reviewing the progress and effectiveness of ADF reforms in response to recommendations 14 – 24 of the Royal Commission, and making any further recommendations needed to drive systemic improvements across the Defence ecosystem into the future.

I anticipate that in undertaking the inquiry the DVSC may look at some or all of the following:

- current education and training programs to increase awareness and prevention of military sexual violence
- the existing reporting frameworks available to survivor-victims
- how reports are responded to and what supports (physical, emotional, professional and legal) are available to survivor-victims
- how evidence is collected and investigations of sexual violence are undertaken
- how alleged perpetrators are managed during the investigation
- how retaliation or reprisal are dealt with and what repercussions could reporting have on a survivor-victim's career

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- the advice and guidance provided to commanders and managers of survivors-victims and/or alleged perpetrators under their command
- how effectively the current military justice system deals with reports of military sexual violence
- the effectiveness of ADF reforms such as the establishment of the Sexual Misconduct Prevention and Response Office (SeMPRO), Sexual Offence Response Teams and a dedicated policy for reporting and responding to sexual misconduct based on a victim-centric approach.

This is not an exhaustive nor determinative list, noting the inquiry must be conducted within the terms of reference provided by the Minister, but it serves to highlight areas the DVSC inquiry may consider and address in making further recommendations for improvement in relation to military sexual violence.

The inquiry will commence by mid-2026 and, according to the draft Terms of Reference, conclude within 12 months, with a final published inquiry report.

## The Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025

The Bill proposes the establishment of an independent Sexual Assault Prevention, Interventions and Response Commission to achieve an ADF with zero incidence of sexual assault and to achieve and maintain that zero incidence through a culture of zero tolerance and an environment of prevention, education and training, a defined response capability, victim-survivor support, reporting procedures, and accountability that enhances the safety and wellbeing of serving members, reservists and defence civilians, contractors and cadets.

It is of great shared concern that military sexual violence persists in the ADF. As the Acting Defence and Veterans' Service Commissioner I commend the aim of the Bill to achieve zero incidence of military sexual violence and a culture of zero tolerance of sexual violence in the ADF.

The specific provisions of the Bill propose a detailed way forward via the establishment of an independent Commission to address sexual violence within the ADF through mandated awareness training, education and certification; a restricted and unrestricted reporting system; 24 hour / 7 days a week response and support capability for victim-survivors; evidence collection; data collection; the investigation of reports of sexual violence; legal assistance and accountability.

Without the benefit of the findings of the inquiry and recommendations for improvement, it is premature for the DVSC to comment upon the measures proposed in the specific provisions of the Bill.

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## Oversight and monitoring by the DVSC

The functions of the DVSC include monitoring the state of the defence and veteran ecosystem, as it relates to the prevention of suicide and suicidality among veterans.

The Defence and Veterans' Service Commissioner Bill 2025 (DVSC Bill) that is currently before the Parliament will repeal the provisions establishing the DVSC in the Defence Act and place them in a standalone Act. The DVSC Bill proposes the following new provisions which will increase the transparency of any recommendations for improvement made by the DVSC and the actions taken to implement them:

- Subclause 26(2) which requires the Government to provide a statement setting out the Commonwealth Government's response to a final inquiry report that is tabled in the Parliament.
- Clause 27 which allows the Commissioner to take certain actions where they are of the opinion that a Commonwealth entity, an official of a Commonwealth entity or any other person to whom a final inquiry report is given does not do the following with respect to a recommendation included in the report:
  - (a) take action that is adequate and appropriate in the circumstances
  - (b) take that action within a reasonable time.

These actions include referring the matter to the Prime Minister and relevant Minister.

These provisions provide the Commissioner with the strengthened ability to monitor the implementation of any recommendations that they may make as a result of the military sexual violence inquiry for as long as required to influence improvement.

## Conclusion

I would be happy to answer any additional questions that the Senate Foreign Affairs, Defence and Trade Legislation Committee may have in relation to my submission.

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